

# Appendices

## Appendix A: Observer Biographies

### **ELIZABETH HOWARD**

#### **Brennan Center**

Liz Howard serves as senior counsel for the Brennan Center's Democracy Program. Her work focuses on election security. Howard regularly comments for television, radio, and print media on issues relating to election security and election administration, and has testified before the U.S. House Committee on Homeland Security and in a variety of state legislatures. She has also co-authored multiple Brennan Center reports and white papers, including: *Better Safe Than Sorry* (2018), *Defending Elections: Federal Funding Needs for State Election Security* (2019), *Trump-Russia Investigations: A Guide to Preparing for Cyberattacks and Technical Failures: A Guide for Election Officials* (2019).

Prior to joining the Brennan Center, Howard served as deputy commissioner for the Virginia Department of Elections. During her tenure, she coordinated many election administration modernization projects, including the decertification of all paperless voting systems, implementation of the e-Motor Voter program, and adoption of online, paperless absentee ballot applications, for which the department received a 2017 Innovations in American Government Bright Ideas Award from the Ash Center for Democratic Governance and Innovation at the Harvard Kennedy School.

She previously worked as general counsel at Rock the Vote, a nonprofit organization dedicated to engaging young people in politics and as a senior associate at Sandler Reiff in Washington, DC, where she specialized in election law with a focus on voting rights, campaign finance, and post-election disputes. Howard earned her JD from the William & Mary Law School and received the Alumnus of the Year award from the William & Mary Election Law Society.

### **RYAN MACIAS**

#### **RSM Election Solutions LLC**

For 15+ years, Macias has provided subject matter expertise in election technology, security, and administration to election officials across the U.S. and election management bodies abroad. Macias has advised thousands of election stakeholders on methods to build resilience in the election infrastructure.

During the 2020 election cycle, Macias worked to ensure that accuracy, reliability, and security was enabled by supporting election infrastructure owners and operators in developing evidence-based elections.

In 2019, Macias founded RSM Election Solutions LLC, a consulting firm whose motto is **Resiliency** in the election infrastructure = **Securing** election technology + **Mitigating** risk to the democratic process. He is also a subject matter expert in infrastructure security developing strategies and products for state, local, tribal, and territorial (SLTT) governments and private sector partners to mitigate risk to critical infrastructure. From 2016-2019, Macias worked for the U.S. Election Assistance Commission (EAC), most recently as the Acting Director of the Voting Systems Testing and Certification Program. He also spent 10 years with the California Secretary of State, developing and implementing legislation, policies, and procedures on election technology and security.

### **Ken Matta**

#### **Office of the Arizona Secretary of State**

Ken Matta serves as the Information Security Officer and election security lead for the Arizona Secretary of State's Office. His election and IT experience began at the Secretary of State's office in 2002, and includes system administration, network administration, information security, logic and accuracy testing, election security instruction, election incident preparedness, and developing statewide election security programs. He is especially passionate about providing necessary resources and assistance to our Arizona counties relating to election security and working as a liaison between the counties and the Secretary of State to help understand the election security needs at the county level. Matta is a state-certified election officer, currently sits as a member of the Arizona Enterprise Security Program Advisory Council and the Elections Assistance Commission Standards Board, and chairs the Arizona Vote Count Verification Committee.

### **JENNIFER MORRELL**

#### **Elections Group**

Jennifer Morrell is a former local election official and recognized expert in election audits. She is a partner at The Elections Group, where she consults on election administration and auditing. Jennifer works as a consultant with the Democracy Fund, leading the Election Validation Project, which is aimed at increasing trust in elections through rigorous audits, standards, and testing. As the Deputy of Elections in Arapahoe County, Colorado, Morrell was instrumental in Colorado's successful implementation of the first statewide risk-limiting audit (RLA). She has successfully overseen RLA pilot programs in several states and local jurisdictions and authored a series on election audits titled "Knowing It's Right". Morrell also serves as a subject matter expert for CISA. She was an election official for nine years (2009-2018) in Utah and Colorado, is an Election Center CERA graduate,

holds a Master of Arts in Management from Webster University, and is a veteran of the United States Air Force.

## Appendix B: Cyber Ninjas Scope of Work

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# Statement of Work

This Statement of Work (the "Statement of Work") is effective as of as of the 31 day of March, 2021 (the "Effective Date"), between Cyber Ninjas Inc., a Florida Corporation, ("Contractor"), and Arizona State Senate ("Client"), and is deemed to be incorporated into that certain Master Service Agreement dated March 31, 2021 (the "Master Agreement") by and between Contractor and Client (collectively, this Statement of Work and the Master Agreement are referred to as the "Agreement").

## 1 WHY CYBER NINJAS

Cyber Ninjas is a cyber security company with a focus on application security and ethical hacking. We perform work across the financial services and government sectors. Our expertise allows us to both understand complex technology systems, as well as understand how a malicious attacker could potentially abuse those systems to meet his or her own agenda. This allows us to effectively enumerate the ways a system could be exploited, and with our partners to fully review if that scenario did in fact occur. This is very different from the compliance focused way that election systems are typically evaluated.

Both our company and our partners have extensive experience working specifically with Dominion Voting Systems. In addition, our subcontractors and partners are adept at digital forensic acquisition, and on implementing ballot hand-counting procedures. Two of our team members authored a hand-count ballot process that has been utilized in audits in two states; and has further been perfected for transparency and consistency. This combination of skills, abilities, and experience is what uniquely qualifies our team for the outlined work.

## 2 OUR TEAM

Cyber Ninjas will serve as the central point-of-contact and organizer of all work conducted over the course of this agreement. However, there are different teams involved in each phase of the outlined work. Each of these teams have specialties and experience within the outlined areas of their coverage. This expertise is highlighted below.

### 2.1 Registration and Votes Cast Team

The Registration and Votes Cast Team has worked together with a number of individuals to perform non-partisan canvassing within Arizona related to the 2020 General election in order to statistically identify voter registrations that did not make sense, and then knock on doors to confirm if valid voters actually lived at the stated address. This brought forth a number of significant anomalies suggesting significant problems in the voter rolls.

They will be continuing this work as part of this effort to validate that individuals that show as having voted in the 2020 General election match those individuals who believe they have cast a vote.



## 2.2 Vote Count & Tally Team - Wake Technology Services

Members of the Wake Technology Services group have performed hand-count audits in Fulton County, PA and in New Mexico as part of the 2020 General Election cycle. In addition, team members have been involved in investigating election fraud issues, dating back to 1994. In that particular case in 1994, this team member worked closely with the FBI during the investigation.

As part of these audits in 2020, the Wake Technology Services team has developed an in-depth counting process that reduces opportunities for errors. This counting process has been expanded to make it more robust, and more transparent. As a result, they will be leading all ballot hand-counting processes.

## 2.3 Electronic Voting System Team – CyFIR, Digital Discovery & Cyber Ninjas, Analysts

Digital Forensic Acquisition will be performed either by CyFIR or Digital Forensics, and the analysis work will be performed by Cyber Ninjas, CyFIR and a number of additional analysts, the identities and qualifications of whom shall be made available to Client upon request.

CyFIR is a digital security and forensics company and a subcontractor on the contract for DHS's Hunt and Incident Response Team (HIRT). As specialists for DHS, they are familiar with responding to nation-state cyber activity including Advanced Persistent Threats (APT).

# 3 GENERAL PROVISIONS

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- 3.1 Introduction. The terms and conditions that are specific to this Statement of Work are set forth herein. Any terms and conditions that deviate from or conflict with the Master Agreement are set forth in the "Deviations from Terms of the Master Agreement" Schedule hereto. In the event of a conflict between the provisions of this Statement of Work and the Master Agreement, the provisions of Section 2.3.4 of the Master Agreement shall control such conflict.
- 3.2 Services. Contractor will provide to the Client the Services in accordance with the Master Agreement (including the Exhibits thereto) and this Statement of Work (including the Schedules hereto). The scope and composition of the Services and the responsibilities of the Parties with respect to the Services described in this Statement of Work are defined in the Master Agreement, this Statement of Work, and any Schedules attached hereto.

# 4 SCOPE & SERVICES DESCRIPTION

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This Statement of Work outlines the proposed methodology and scope for a full and complete audit of 100% of the votes cast within the 2020 November General Election within Maricopa County, Arizona. This audit will attempt to validate every area of the voting process to ensure the integrity of the vote. This includes auditing the registration and votes cast, the vote counts and tallies, the electronic voting system, as well as auditing the reported results. The final report will attempt to outline all the facts found throughout the investigation and attempt to represent those facts in an unbiased and non-partisan way. The final report will not include factual statements unless the statements can be readily substantiated with evidence, and such substantiation is cited, described, or appended to the report as appropriate.

The following sub-sections provide additional details of what will be conducted at each stage of the audit.

## 4.1 Registration and Votes Cast Phase

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During the Registration and Votes Cast Phase, it will be validated that Maricopa County properly registers who voted during an election, and that this system properly prevents duplicate voting. This will be performed on a minimum of three precincts.

Proposed scope of work:

- Review of Arizona's SiteBook system for checking in and tracking voters;
- Complete audit of a minimum of 3 precincts, based on statistical anomalies and precinct size;
- Analysis of existing research and data validating the legitimacy of voter rolls; and/or
- Comparing results against known lists of invalid voters (e.g. deceased voters, non-citizens, etc.).

This phase may help detect:

- Problems that could result in voters being able to vote more than once;
- Voters that voted but do not show in the list of those who voted;
- Voters who likely did not vote but showed as having voted;
- Potential invalid voters who cast a vote in the 2020 general election; and/or
- Inconsistencies among vote tallies between the various phases.

This phase is NOT expected to detect:

- Individual ballots that are either wrong and/or invalid.

Anticipated artifacts for transparency and/or validation of results for the public:

- Final report outlining the discovered results; and/or
- Redacted spreadsheet of a list of those who voted in the target precincts.

## 4.2 Vote Count & Tally Phase

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During the Vote Count & Tally Phase, the counts and tallies for votes and the voting machines will be validated. This will include a hand-tally and examination of every paper ballot.

Proposed scope of work:

- Physically inspecting and hand-counting of ballots in Maricopa County;
- Counting of the total number of provisional ballots;
- Capture of video footage of the hand-counting of ballots; and/or
- Scanning of ballots in Maricopa County
  - NOTE: Provisional ballots which still have signatures attached to them will be counted to be sure they match the expected numbers but will not be scanned nor will the contents be visible in video.

This phase may help detect:

- Counts that do not match the expected results;
- Ballots that are visually different and possibly fraudulent; and/or
- Inconsistencies among vote tallies between the various phases.

This phase is NOT expected to detect:

- Destroyed or otherwise missing ballots

Anticipated artifacts for transparency and/or validation of results for the public:

- Final report outlining the discovered results;
- Unedited camera footage of the counting of every ballot, provided that, absent express judicial approval, any such footage cannot be streamed, recorded or broadcast in such a manner that the candidate or ballot proposition selections on each ballot is visible or discernible; and/or
- Ballot images of every scanned ballot, provided that, absent express judicial approval, any such images cannot be released or published to any third party.

### 4.3 Electronic Voting System Phase

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During the Electronic Voting System Phase the results from the electronic voting machines will be validated to confirm they were not tampered with. This will be done on all systems related to SiteBook with Maricopa data, as well as all Election Management System related machines besides the Ballot Marking Devices (BMD)'s utilized for accessibility.

Proposed scope of work:

- Forensic Images of Arizona's SiteBook System including the database server, as well as any client machines associated with Maricopa County;
- Forensic images captured of the Election Management System main server, adjudication machines, and other systems related to the Election Management System;
- Forensic images of all Compact Flash, USB drives, and related media;
- Inspection to identify usage of cellular modems, Wi-Fi cards, or other technologies that could be utilized to connect systems to the internet or wider-area-network;
- Review of the Tabulator Paper Tally print-outs;
- Reviewing the exports from the EMS for "Audit File", "Audit Images" and "CVR";
- Reviewing ballot images captured by the tabulators
- Reviewing forensic images for possible altering of results or other issues; and/or
- Reviewing of tabulator and other logs.

This phase may help detect:

- Problems where the tabulator incorrectly tabulated results;
- Problems where the tabulator rejected results;
- Issues where results may have been manipulated in the software;
- Issues with the improper adjudication of ballots; and/or
- Inconsistencies among vote tallies between the various phases.

Anticipated artifacts for transparency and/or validation of results for the public:

- Final report outlining the discovered results;
- Ballot images and AuditMark images showing how the tabulator interpreted the ballot for counting, provided that, absent express judicial approval, such images cannot be released or published to any third party;
- CVR Report as generated from the software; and/or
- Log Files from the Tabulators (Redacted if Dominion Desires).

## 4.4 Reported Results Phase

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During the Reported Results Phase, results from all phases are compared against those expected results and those results which were publicly totalled as the official results to identify any inconsistencies.

Proposed scope of work:

- Results from various phases will be reviewed and tallied; and
- Results will be compared against the official, certified results.

This phase may help detect:

- Issues where result tallies were not properly transmitted to the official results; and/or
- Inconsistencies among vote tallies between the various phases.

Anticipated artifacts for transparency and/or validation of results for the public:

- Final report outlining the discovered results

## 5 METHODOLOGY

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The following section outlines the proposed methodology utilized in the various phases of the audit. When appropriate, these sections may reference more detailed procedures. Such procedures are considered proprietary and the intellectual property of Cyber Ninjas, our subcontractors or our Partners and can be made available for review but are not explicitly part of this agreement.

### 5.1 Registration and Votes Cast Phase

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During the “Registration and Votes Cast Phase”, Contractor may utilize precincts that have a high number of anomalies based on publicly available voting data and data from prior canvassing efforts to select a minimum of three precincts to conduct an audit of voting history related to all members of the voter rolls. A combination of phone calls and physical canvassing may be utilized to collect information of whether the individual voted in the election. No voters will be asked to identify any candidate(s) for whom s/he voted. This data will then be compared with data provided from Maricopa County Board of Elections.

### 5.2 Vote Count & Tally Phase

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The goal of the “Vote Count & Tally Phase” is to attempt to, in a transparent and consistent manner, count all ballots to determine the accuracy of all federal races, and to identify any ballots that are suspicious and potentially counterfeit. Ballots will be counted in a manner designed to be accurate, all actions are transparent, and the chain of custody is maintained.

#### 5.2.1 Counting Personnel

Non-partisan counters will be utilized that are drawn from a pool of primarily former law enforcement, veterans, and retired individuals. These individuals will undergo background checks and will be validated to not have worked for any political campaigns nor having worked for any vendor involved in the voting process. These individuals will also be prevented from bringing any objects other than clothing items worn on their persons into the counting area or taking any objects out of the counting area.

#### 5.2.2 Accurate Counting

Counting will be done in groups with three individuals independently counting each batch of ballots, and an individual supervising the table. All counts will be marked on a sheet of paper as they are tallied. If, at the end of the hand count, the discrepancies between counting personnel aggregate to a number that is greater than the margin separating the first and second place candidates for any audited office, the ballots with discrepant total from the Contractor's counting personnel will be re-reviewed until the aggregate discrepancies within the hand count are less than the margin separating the first and second place candidates.

#### 5.2.3 Transparent Counting

All activity in the counting facility will be videotaped 24 hours a day, from the time that Maricopa County delivers ballots and other materials until the time that the hand count is complete and all materials have been returned to the custody of Maricopa County. Such videotaping shall include 24-hour video monitoring of all entrances and exits, as well as activity at the counting tables.

#### 5.2.4 Chain of Custody

All movement with ballots, cutting of seals, application of seals, and similar actions will be appropriately documented and logged, as well as captured under video to be sure the custody of ballots is maintained at all times. Access to the counting area will be restricted to duly authorized and credentialed individuals who have passed a comprehensive background check, with mandatory security searches and ingress/egress logs whenever entering or exiting the counting area.

### 5.3 Electronic Voting System Phase

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The proposed scope of the "Electronic Voting System Phase" is to confirm that the system accurately tallied and reported the votes as they were entered into the system and that remote access was not possible. All systems related to the voting will be forensically imaged, these machines will be booted up and checked for wireless signal usage, and the images will be reviewed to determine the accuracy of results and any indication of tampering.

#### 5.3.1 Forensic Images

A digital forensics capture team will forensically capture all data on in-scope systems, utilizing industry best practices. This will create a digital copy of every single machine, Compact Flash Card, and USB drive in scope without altering the contents of the machines. Chain-of-custody documentation will be created to preserve these images in a manner sufficient to be utilized in a court-of-law.

#### 5.3.2 Physical Analysis

The Election Management System equipment will be turned on and scanned with a wireless spectrum analysis tool to determine if the device is emitting any signals consistent with a known wireless frequency such as cellular, Bluetooth, WiFi or similar. Devices that show signs of emitting signals will be flagged and documented, and when possible without damaging the equipment; they will be physically inspected to determine the source of any detected signals.

#### 5.3.3 Digital Analysis

The forensic images will be reviewed to validate reported totals from the tabulators, results stored within the Election Management System (EMS) Results Tally and Reporting software. These will be compared against the tabulator print-outs; and the machine will be checked for physical or digital tampering and any known ways of remote access to the machines.

#### 5.3.4 Opportunity for Observation

Before commencing the imaging or analysis steps described above (except for the Digital Analysis process), the Contractor will work with Maricopa County to provide at least five (5) days advance notice to any vendors of Maricopa County whose products will be the subject of imaging, inspection, or analysis. Such vendors will be permitted the opportunity to attend and observe the Contractor's imaging or inspection of the vendors' products. The vendor will not be allowed to be present for the analysis of the captured images. Such vendors are third party beneficiaries of this provision and will have standing to challenge and secure injunctive relief against any denial of their right to observe the inspection of their products.

### 5.4 Reported Results Phase

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During the Reported Results phase, results from all phases are compared to find differences between tallies or other anomalies. These results are then compared against data at the Secretary of State and Maricopa Board of Elections layers. Any inconsistencies will be reported and highlighted.

## 6 RESPONSIBILITIES

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The following section outlines the key responsibilities for the proper execution of the Agreement between the Contractor and the Client for all outlined work within the scope.

### 6.1 Registration and Votes Cast Phase

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#### Contractor Responsibilities

- Provide the proper personnel to conduct the analysis of the data required to execute the scope of this phase.

#### Client Responsibilities

- Arrange for a database export of SiteBook to be provided to the Client which includes all fields normally found in a publicly requested copy of the voter rolls, in addition to any other non-sensitive fields related to the data such as modifications or other time-stamps, voter history, last user edited, IP address of edit; or anything similar.

### 6.2 Vote Count & Tally Phase

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#### Contractor Responsibilities

- Provide the proper personnel and equipment to execute all aspects of the phase including scanning, counting, the setup of equipment for recording of the counting, and the supervision of activities.
- Ensure that all onsite personnel follow any in-place COVID requirements.

#### Client Responsibilities

- Provide security of the building during the course of the engagement. This includes having sufficient security to prevent access to the building 24/7 during the entire time, including ensuring that safe working conditions can exist during the entirety of the audit;
- Provide electricity and access to the facilities and tables necessary for up to 120 people at a time following any current COVID requirements. This is estimated to be about 7,200 square feet;
- Provide access to all paper ballots from the November 2020 General Election within Maricopa County. This includes early voting, election day ballots, provisional ballots, spoiled ballots, printed unused ballots and any other ballot categories that are part of the 2020 General Election. For all ballots this should include the original hard copies of the ballots that were electronically adjudicated ballots.
- Provide a mechanism to allow for the proper equipment to be brought into the facility where the counting will take place.

- Full chain of custody documentation for all ballots from the point they were cast to the point where we gain access to the ballots, to the extent such documentation is in Client's possession.
- Purchase orders for all purchased ballots, or ballot paper, including counts of each, as well as delivery receipts of the quantity of ballots received, to the extent such documentation is in Client's possession.
- Full counts from any ballots printed on demand, as well as the location for which they were printed, to the extent such documentation is in Client's possession.
- Provide wired access to internet to be able to stream the counting video capture, provided that any such video footage must be streamed, recorded or broadcast in such a manner that the candidate or ballot proposition selections on each ballot shall not be visible or discernible.

### 6.3 Electronic Voting System Phase

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#### Contractor Responsibilities

- Provide the proper personnel to execute all aspects of the phase including the capture of forensic digital images of all systems related to the Election Management System; and
- Ensure that all onsite personnel during the forensic capture follow any in-place COVID requirements.

#### Client Responsibilities

- Provide physical access to the EMS Server, Adjudication machines, ImageCast Central, ImageCast Precinct, ImageCast Ballot Marking Devices, SiteBook, NOVUS systems, and any other Election Management System equipment or systems utilized in the November 2020 General Election to the forensic capture team;
- Provide access to Compact Flash Cards, USB Drives, and any other media utilized in the November 2020 General Election for the forensic capture team to image;
- Provide electricity and sufficient access to the machines in scope in order to provide a team of up to 15 forensic capture individuals to work and boot up the systems;
- Provide any needed credentials for decrypting media, decrypting computer hard drives, the EMS machines, or other systems that may be required for a proper forensic capture of the machines;
- Provide the output of the "Audit File," "Audit Images," and CVR exports from the Dominion machines which includes all ballot images and AuditMark images of every ballot processed by the machines; and
  - NOTE: The above may be able to be captured from the forensic images; but Maricopa County assistance could be needed in identifying where the AuditMark files are located.
- Provide any needed technical assistance allowing all the above to be successfully captured.

### 6.4 Reported Results Phase

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#### Contractor Responsibilities

- Provide the proper personnel to conduct the analysis of the data required to execute the scope of this phase.

#### Client Responsibilities

- Provide the official results per precinct for all counts associated with the November 2020 General Election.

## 7 DELIVERABLE MATERIALS

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The primary deliverable for the Election Audit will be a report detailing all findings discovered during the assessment. The parties agree that the report is provided AS IS, without any promise for any expected results. Additional artifacts as collected during the work will also be provided, as outlined within the scoping details.

This final report will include:

- An executive summary outlining the overall results of the audit from the various phases;
- A methodology section outlining in detail the methodology and techniques utilized to capture and validate the results;
- Tables, charts, and other data representing the findings of the data;
- Appendices or attached files demonstrating all evidence utilized to come to the outlined conclusions (if applicable); and
- Recommendations on how to prevent any detected weaknesses from being a problem in future elections (if applicable).

In addition to the report, various anticipated artifacts for public consumption will be generated over the course of this work, as outlined under the “Scope of Work.” Client will determine in its sole and unlimited discretion whether, when, and how the Contractor should release those resources to the public. This will include all videos, ballot images, and other data.

## 8 COMPLETION CRITERIA

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Contractor shall have fulfilled its obligations when any one of the following first occurs:

- Contractor accomplishes the Contractor activities described within this Statement of Work, including delivery to Client of the materials listed in the Section entitled “Deliverable Materials,” and Client accepts such activities and materials without unreasonable objections; or
- If Client does not object or does not respond to Contractor within seven (7) business days from the date that the deliverables have been delivered by Contractor to Client, such failure to respond shall be deemed acceptance by Client.



## 9 TERM / PROJECT SCHEDULE / LOCATION

The following table outlines the expected duration of the various proposed work outlined within the Agreement. Work will commence on a date mutually agreeable to both Contractor and Client according to a schedule which is outlined via email.

Each phase outlined below can be conducted simultaneously, with the exception of the Reported Results phase which must be completed at the end. Roughly an additional week of time at the conclusion of all phases is needed to complete and finalize reporting. Lead times before a phase can start as well as their duration can be found below. Faster lead times can potentially be accommodated on a case-by-case basis.

Service Name	Required Notice / Lead Time	Est. Duration in Days	Additional Details / Location
Registration and Votes Cast Phase	1 Week	20	This work will be done remotely.
Vote Count & Tally Phase	2-3 Weeks	20*	The entire time will be onsite at the location designated by the Client.  Access will be required 4 days before the start to setup the space.  *Race recounts as outlined in 5.2.2 may require the timeline to be extended beyond the listed days.
Electronic Voting System Phase	1-2 Weeks	35	It is estimated that 15 will be onsite. The remainder of the time will be remote.  Review of location setup is requested the week prior to ensure proper workspace.
Reported Results Phase	Completion of Other Phases	5	This phase will be completed offsite.  Final Report Delivered 1 Week After Completion

## 10 FEES / TERMS OF PAYMENT

The following table outlines the costs associated with the proposed work. A third of the fees will be due at the execution of the contract. The remaining balance will be payable within 30 days from the completion of the audit.

Selected	Name	Price Each	Total
1	Maricopa County – Full Audit	\$150,000	\$150,000.00
<b>Total:</b>			\$150,000.00

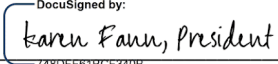
## 11 SIGNATURE & ACKNOWLEDGEMENT

THE PARTIES ACKNOWLEDGE THAT THEY HAVE READ THIS STATEMENT OF WORK, UNDERSTAND IT, AND AGREE TO BE BOUND BY ITS TERMS AND CONDITIONS. FURTHER, THE PARTIES AGREE THAT THE COMPLETE AND EXCLUSIVE STATEMENT OF THE AGREEMENT BETWEEN THE PARTIES RELATING TO THIS SUBJECT SHALL CONSIST OF 1) THIS STATEMENT OF WORK, 2) ITS SCHEDULES, AND 3) THE AGREEMENT (INCLUDING THE EXHIBITS THERETO), INCLUDING THOSE AMENDMENTS MADE EFFECTIVE BY THE PARTIES IN THE FUTURE. THIS STATEMENT OF THE AGREEMENT BETWEEN THE PARTIES SUPERSEDES ALL PROPOSALS OR OTHER PRIOR AGREEMENTS, ORAL OR WRITTEN, AND ALL OTHER COMMUNICATIONS BETWEEN THE PARTIES RELATING TO THE SUBJECT DESCRIBED HEREIN.

IN WITNESS WHEREOF, the parties hereto have caused this Statement of Work to be effective as of the day, month and year written above.

Accepted by:

Client: Arizona State Senate

By:  DocuSigned by:  
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Title: Karen Fann, President

Accepted by:

Contractor: Cyber Ninjas, Inc.

By: 

Title: Douglas Logan  
CEO & Principal Consultant

# Appendix C: Settlement Agreement

Settlement Agreement – *Arizona Democratic Party, et al. v. Fann* (CV2021-006646) - Page 1 of 5

## SETTLEMENT AGREEMENT,

The parties to this Settlement Agreement (“Agreement”) are the Arizona Democratic Party (“ADP”), Supervisor Steve Gallardo in his individual capacity (“Gallardo”), Secretary of State Katie Hobbs in her official capacity (“Secretary”), the First Amendment Coalition of Arizona, Inc. (“FACA”), Senate President Karen Fann in her official capacity (“Fann”), Senator Warren Petersen in his official capacity (“Petersen”), Ken Bennett (“Bennett”), and Cyber Ninjas, Inc. (“CN”). ADP, Gallardo, the Secretary, and FACA may be referred to collectively hereafter as “Plaintiffs.” Fann, Petersen, and Bennett may be referred to collectively hereafter as the “Senate Defendants.” Fann, Petersen, Bennett, and CN may be referred to collectively hereafter as “Defendants.” The parties may be referred to separately hereafter as a “Party” or collectively as the “Parties.”

### Recitals

1. On April 22, 2021, ADP and Gallardo filed an action in Arizona Superior Court (Maricopa County) against Defendants related to the conduct of an audit of the 2020 General Election results in Maricopa County, CV2021-006646 (“Litigation”).
2. On April 27, 2020, FACA and the Secretary were permitted to intervene in the Litigation.
3. The Parties, in consultation with their respective counsel and in order to avoid additional litigation, have agreed to settle all claims against each other that have been in the Litigation.

The Parties affirm the accuracy of the foregoing recitals, and agree as follows:

### Terms of Agreement

1. **Conduct of the Audit.** In exchange for the release provided in this Agreement, the Defendants agree as follows:
  - a. Defendants have disclosed or will disclose the following policies or procedures for the audit, and CN warrants and represents that each of the following was in effect on or earlier than April 27, 2021 and will remain in place for the duration of the audit: all documents comprising “Exhibit D” originally lodged under seal with the Court on April 25, 2021, and all policies and procedures Defendants and their agents are using to conduct the audit. This includes training plans and documents to ensure that all workers understand and comply with all security procedures applicable to ballots and electronic voting systems, and forms utilized to conduct the audit, including chain of custody forms, tally sheets, and forms used to aggregate tallies.
  - b. CN and their agents will not compare signatures on early ballot envelopes with signatures from the voter registration file. The Senate Defendants warrant

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and represent that they are not currently comparing signatures on early ballot envelopes with signatures from the voter registration file, and will notify Plaintiffs within 48 hours of any decision to undertake such signature comparison and afford Plaintiffs 48 hours to respond to resolve any concerns. If the parties cannot resolve the issue in a mutually agreeable manner, Plaintiffs may seek emergency injunctive and/or declaratory relief in court to seek compliance with the law.

- c. Defendants and their agents will not have pens with blue or black ink anywhere ballots are handled and will take reasonable precautions to prevent the alteration, damage, or destruction of any ballot during the conduct of the audit.
- d. Security assurances: (i) Defendants and their agents will continue to have and abide by policies to ensure that Maricopa County voting systems are secured in a manner that prevents unauthorized access or tampering, including maintaining a detailed log of who accesses the machines; (ii) Defendants and their agents will continue to have and abide by policies to ensure that ballots are secured in a manner that prevents unauthorized access, including maintaining a detailed log of who accesses the ballots; (iii) Defendants and their agents will continue to have and abide by policies to ensure that electronic data from and electronic or digital images of ballots are secured in a manner that protects them from physical and electronic access, including unauthorized copying or transfer; (iv) Defendants and their agents will continue to have and abide by policies to ensure that voter information from the voter registration database, including digital images of voter signatures, are secured in a manner that protects them from physical and electronic access, including unauthorized copying or transfer.
- e. Defendants and their agents will have and abide by policies to prevent the publication of scanned images of ballots without first securing a court order authorizing such publication.
- f. Defendants and their agents will have and abide by policies to ensure that no provisional ballot envelope that was not verified by the County Recorder (and was therefore previously unopened) is opened.
- g. Defendants and their agents will allow the news media to observe and report on the audit without signing up to participate in or volunteer at the audit, and on reasonable terms, including allowing the news media to use note pads and red or green pens. The news media is free to take still and video photography, except of ballots where the ballot markings can be ascertained by the naked eye or a zoom lens.
- h. Defendants and their agents will permit observers designated in advance by the Secretary, not to exceed three designees per shift, to observe and monitor the audit, including processing of ballots and election equipment hardware, without the designees signing up as volunteer observers for the audit. Such observation and monitoring shall be permitted on reasonable terms, and observers will be permitted to use non-white note pads and red or green pens, including on the counting floor.

2. **Dismissal of Claims in the Litigation.** The Parties agree that they will stipulate to the dismissal of the Litigation with prejudice and with all parties to bear their own fees and costs upon the execution of this Agreement.

3. **Release.** Each Plaintiff releases Defendants from legal liability for all claims that were advanced by that Plaintiff in the Litigation. This release does not include any claim that is not currently pending in the Litigation or any claim that may arise in the future.

4. **No Admission of Fault.** By entering into this Agreement, the Parties do not admit any fault or liability, or lack thereof, related to the allegations or defenses made by any Party in the Litigation. This Agreement is a compromise of disputed claims.

5. **Public Release of Agreement.** This Agreement is not confidential and may be released or discussed in public by any Party.

6. **Knowing and Voluntary Agreement.** Each Party enters into this Agreement as a matter of free will and has not been pressured or coerced in any way into signing this Agreement. Each Party expressly represents and warrants that the persons signing below are authorized to execute this Agreement on the Party's behalf.

7. **Severability.** If any provision or part of any provision of this Agreement is held to be invalid or for any reason unenforceable by a court of competent jurisdiction, the remaining portions of this Agreement will remain in full force and effect to the maximum extent permitted by law.

8. **Modification/Waiver.** No modification, amendment or waiver of any of the provisions contained in this Agreement will be binding upon any Party hereto unless made in writing and signed by such party or by a duly authorized officer or agent of such Party.

9. **No Presumption Against Drafter.** This Agreement has been negotiated and prepared by all Parties and their respective counsel, and any rule of construction under which ambiguities are to be resolved against the drafter will not apply in interpreting this Agreement.

10. **Entire Agreement; Choice of Law.** This Agreement constitutes a single, integrated written contract expressing the entire agreement of the Parties concerning the subject matter of this Agreement. No other agreements or understandings of any kind concerning the subject matter of this Agreement, whether express or implied in law or fact, have been made by the Parties to this Agreement. This Agreement will be construed in accordance with, and be governed by, the laws of the State of Arizona.

11. **Enforcement.** If there is a question or concern about Defendants' or their agents' compliance with any part of this Agreement, Plaintiffs and Defendants will make a

{00546691.1 }



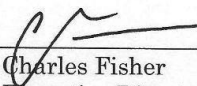
good faith effort to resolve the issue by mutual agreement. Within 48 hours of identifying a potential breach of this Agreement, Plaintiffs shall notify Defendants of the issue and afford the Defendants 48 hours to respond. If the parties cannot resolve the issue in a mutually agreeable manner, Plaintiffs may seek emergency injunctive and/or declaratory relief in court to seek compliance with the law, in addition to raising a claim for breach of contract. Any action to enforce the terms of this Agreement must be brought in Maricopa County (Arizona) Superior Court, and the Parties unconditionally and irrevocably consent to that court's exercise of personal jurisdiction over them in any such action. By entering into this Agreement, the Defendants do not waive or limit any argument or defense, including but not limited to legislative immunity or privilege. Likewise, Plaintiffs do not waive or limit their arguments that any such defenses, including immunity or privilege, do not apply to the Senate Defendants or their agents. In any action to enforce this Agreement (or any dispute otherwise arising out of this Agreement), the Parties agree to bear their own fees and costs.

12. **Counterparts.** This Agreement may be signed in counterparts, each of which will constitute an original, but all of which together will constitute one and the same instrument. The counterparts may be executed and delivered by facsimile or other electronic signature by any of the Parties to any other Party and the receiving Party may rely on the receipt of such document delivered by facsimile or other electronic means as if the original had been received.

13. **Signatures and Effective Date.** The Parties have executed this Agreement on the dates appearing below. This Agreement will become effective immediately upon its execution by all Parties.

**ARIZONA DEMOCRATIC PARTY.**

**SUP. STEVE GALLARDO**

By:   
Its: Executive Director

Date

5/4/21

Date

**SECRETARY OF STATE KATIE HOBBS**

**FIRST AMENDMENT  
COALITION OF ARIZONA,  
INC.**

By: Sambo "Bo" Dul  
Its: State Elections Director

By: Daniel C. Barr  
Its: Attorney

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ARIZONA DEMOCRATIC PARTY.

SUP. STEVE GALLARDO



By: Charles Fisher  
Its: Executive Director

5-4-2021

Date

Date

SECRETARY OF STATE KATIE HOBBS

FIRST AMENDMENT  
COALITION OF ARIZONA,  
INC.

By: Sambo "Bo" Dul  
Its: State Elections Director

By: Daniel C. Barr  
Its: Attorney

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ARIZONA DEMOCRATIC PARTY.

SUP. STEVE GALLARDO


\_\_\_\_\_  
By: Charles Fisher  
Its: Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

SECRETARY OF STATE KATIE HOBBS

FIRST AMENDMENT  
COALITION OF ARIZONA,  
INC.

  
\_\_\_\_\_  
By: Sambo "Bo" Dul  
Its: State Elections Director

\_\_\_\_\_  
By: Daniel C. Barr  
Its: Attorney



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**ARIZONA DEMOCRATIC PARTY.**

**SUP. STEVE GALLARDO**

\_\_\_\_\_  
By: Charles Fisher  
Its: Executive Director

\_\_\_\_\_  
Date

**SECRETARY OF STATE KATIE HOBBS**

**FIRST AMENDMENT  
COALITION OF ARIZONA,  
INC.**



\_\_\_\_\_  
By: Sambo "Bo" Dul  
Its: State Elections Director

\_\_\_\_\_  
By: Daniel C. Barr  
Its: Attorney

5/5/2021  
\_\_\_\_\_  
Date

**PRESIDENT KAREN FANN**

\_\_\_\_\_

\_\_\_\_\_  
Date

**CYBER NINJAS, INC.**

\_\_\_\_\_  
By: Doug Logan  
Its: CEO

\_\_\_\_\_  
Date

5/5/2021  
\_\_\_\_\_  
Date

**SEN. WARREN PETERSEN**

\_\_\_\_\_

\_\_\_\_\_  
Date

**KEN BENNETT**

\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**PRESIDENT KAREN FANN**

*President Karen Fann*

*May 5, 2021*  
\_\_\_\_\_  
Date

**CYBER NINJAS, INC.**

\_\_\_\_\_  
By: Doug Logan  
Its: CEO

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**SEN. WARREN PETERSEN**

*Warren Petersen*

*5/5/21*  
\_\_\_\_\_  
Date

**KEN BENNETT**

\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**PRESIDENT KAREN FANN**

\_\_\_\_\_  
Date

**SEN. WARREN PETERSEN**

\_\_\_\_\_  
Date

**CYBER NINJAS, INC.**

\_\_\_\_\_  
Date

**KEN BENNETT**

\_\_\_\_\_  
  
By: Doug Logan  
Its: CEO

05/05/2021

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**PRESIDENT KAREN FANN**

\_\_\_\_\_  
Date

**SEN. WARREN PETERSEN**

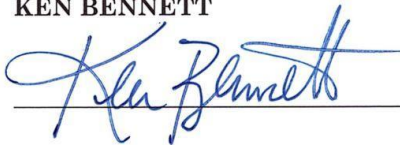
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Date

**CYBER NINJAS, INC.**

\_\_\_\_\_  
Date

**KEN BENNETT**

\_\_\_\_\_  
By: Doug Logan  
Its: CEO

\_\_\_\_\_  


\_\_\_\_\_  
5/5/2021

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## Appendix D: Correspondence



**KATIE HOBBS**  
SECRETARY OF STATE

March 3, 2021

VIA EMAIL ONLY

Senate President Karen Fann  
Senator Warren Petersen  
1700 W. Washington  
Phoenix, AZ 85007  
[kfann@azleg.gov](mailto:kfann@azleg.gov)  
[wpetersen@azleg.gov](mailto:wpetersen@azleg.gov)

President Fann and Senator Petersen,

I write to express my ongoing concern about the legislative subpoenas issued to the Maricopa County Board of Supervisors for the production of election equipment and ballots from the 2020 General Election and the unspecified audits you intend to conduct. As you know, there is no credible evidence for any of the conspiracy theories that have abounded about the 2020 General Election, including those made by associates of Allied Systems Operations Group. Indeed, officials in Maricopa County, in particular, have gone above and beyond what is required by law to demonstrate the security and accuracy of the election they conducted. I again urge you not to waste taxpayer resources chasing false claims of fraud that will only further erode public confidence in our election processes and elected officials.

In any case, in light of Judge Thomason's recent ruling clearing the way for you to receive Maricopa County's ballots and election equipment, I implore you to treat your responsibility for the custody, security, and integrity of those items with the same level of vigilance that election officials across this State treat that responsibility. Indeed, Judge Thomason's ruling makes clear that you are obligated to maintain the security and confidentiality of the materials turned over to you. If your goal is truly to rebuild public confidence in our democracy, it is imperative that you establish and abide by clear procedures and parameters for the security and confidentiality of the

ballots and election equipment while in your custody and ensure independence and transparency should you proceed with any further audit.

At minimum, before you assume custody of Maricopa County's ballots and election equipment, I urge you to:

- Develop and implement procedures to ensure a secure and documented chain of custody for the ballots and election equipment, including retention of thorough logs and sign-in sheets for persons accessing ballots and election equipment;<sup>1</sup>
- Develop and implement procedures to ensure the physical security of the ballots<sup>2</sup> and physical, data, and cyber security of election equipment,<sup>3</sup> so that they are not tampered with, stolen, or otherwise mishandled or compromised;
- Develop and implement procedures to ensure markings on ballots are not altered or added while in your custody, including, for example, restricting writing instruments to only red pens in the room where ballots are handled, inspected, or counted;
- Ensure that the handling, inspection, and counting of ballots is performed by bipartisan teams including at least two members of different political parties<sup>4</sup> and only conducted under camera with a live video feed and that the video footage is retained for 24 months;<sup>5</sup>
- Develop and implement procedures to ensure that election equipment is not connected to the internet, that write blocker devices are used when connecting any media to election equipment, that any memory stick or device used to transfer data to or from election equipment are from reputable sources and are only used once and then disposed of, that no extraneous or malicious hardware or software are installed or connected to the election equipment; and that any third-party access to the source code for the election equipment is approved and observed by the system vendor;
- Develop and make available to election officials and the public the procedures and criteria, including as to qualifications and independence, you will use to select the firms and/or individuals who will be charged with conducting any further audits or otherwise handling the ballots and election equipment;

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<sup>1</sup> See Elections Procedures Manual ch. 8, § V(E); ch. 4, § III; and statutory provisions cited therein.

<sup>2</sup> See Elections Procedures Manual ch. 8, § VC and statutory provisions cited therein.

<sup>3</sup> See Elections Procedures Manual ch. 4, § III and statutory provisions cited therein.

<sup>4</sup> See Elections Procedures Manual ch. 10 and statutory provisions cited therein.

<sup>5</sup> See Elections Procedures Manual ch. 10, § I(B) and statutory provisions cited therein. The video footage should be retained for 24 months.

Thank you for your attention to this important matter, and I hope to hear from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'KH', followed by a long horizontal flourish.

Katie Hobbs  
Arizona Secretary of State

cc:

Senate Minority Leader Rebecca Rios: [rrios@azleg.gov](mailto:rrios@azleg.gov)  
Senator Martin Quezada, Ranking Member, Judiciary: [mquezada@azleg.gov](mailto:mquezada@azleg.gov)

Maricopa County Board of Supervisors:  
Jack Sellers, District 1, Chair: [Jack.Sellers@maricopa.gov](mailto:Jack.Sellers@maricopa.gov)  
Steve Chucri, District 2: [Steve.Chucri@maricopa.gov](mailto:Steve.Chucri@maricopa.gov)  
Bill Gates, District 3: [Bill.Gates@maricopa.gov](mailto:Bill.Gates@maricopa.gov)  
Clint Hickman, District 4: [Clint.Hickman@maricopa.gov](mailto:Clint.Hickman@maricopa.gov)  
Steve Gallardo, District 5: [Steve.Gallardo@maricopa.gov](mailto:Steve.Gallardo@maricopa.gov)

Scott Jarrett, Director of Election Day and Emergency Voting,  
Maricopa County Elections Department: [sjarrett@risc.maricopa.gov](mailto:sjarrett@risc.maricopa.gov)





**KATIE HOBBS**  
SECRETARY OF STATE

April 1, 2021

VIA EMAIL ONLY

Maricopa County Board of Supervisors

Chairman Jack Sellers, District 1

[Jack.Sellers@maricopa.gov](mailto:Jack.Sellers@maricopa.gov)

Supervisor Steve Chucuri, District 2

[Steve.Chucuri@maricopa.gov](mailto:Steve.Chucuri@maricopa.gov)

Supervisor Bill Gates, District 3

[Bill.Gates@maricopa.gov](mailto:Bill.Gates@maricopa.gov)

Supervisor Clint Hickman, District 4

[Clint.Hickman@maricopa.gov](mailto:Clint.Hickman@maricopa.gov)

Supervisor Steve Gallardo, District 5

[Steve.Gallardo@maricopa.gov](mailto:Steve.Gallardo@maricopa.gov)

**RE: SENATE AUDIT**

Supervisors,

As Arizona's Chief Elections Officer, I've always understood that elections are about partnerships—partnerships between the State and Counties, partnerships between Boards of Supervisors and Recorders, and partnerships between election officials and voters. The mutual respect and trust that is developed through each of these partnerships is foundational to the integrity of our elections. It is in this spirit that I write today—as a partner—to express my concerns about recent events.

Yesterday, the State Senate announced that it selected a group of firms to perform an “audit” of Maricopa County’s 2020 General Election.<sup>1</sup> As you’ll recall, this is the second time that the Senate has made such an announcement. Following their first announcement, it was believed at the time that the Senate had chosen Allied Security Operations Group, a firm known to have close ties to the Trump campaign and to have previously claimed, without evidence,

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<sup>1</sup> Arizona State Senate, “Arizona Senate hires auditor to review 2020 election in Maricopa County.” March 31, 2021. Available at <https://www.azsenaterepublicans.com/post/arizona-senate-hires-auditor-to-review-2020-election-in-maricopa-county>

that the 2020 election was rigged against the former President.<sup>2</sup> Indeed, some of you rightfully expressed outrage that the Senate had hired a “known, and frequently debunked, conspiracy theorist” to help perform the audit.<sup>3</sup> Senate President Fann later moved away from that firm, given its clear lack of independence.

Unfortunately, yesterday’s announcement made it clear that the Senate has no intention of conducting an independent audit or ensuring the ongoing security and confidentiality of Maricopa County’s ballots and voting equipment. As you know, the Senate has confirmed its hiring of Cyber Ninjas Inc.<sup>4</sup> This firm’s CEO not only harbors conspiratorial beliefs about the 2020 election, but has shared conspiracies about Dominion election equipment, the exact equipment he has been hired to audit.<sup>5</sup> Moreover, Jovan Hutton Pulitzer confirmed yesterday that he too would be involved in this audit.<sup>6</sup> To be sure, Mr. Pulitzer is also a known, and frequently debunked, conspiracy theorist (to say nothing of “failed treasure hunter” or inventor of one of the “25 worst tech products of all time”).<sup>7</sup> To compound the concerning nature of these revelations, the Statement of Work signed by the Senate indicates that these “auditors” plan to visit Maricopa County voters at their home to inquire about their registration and voting history.<sup>8</sup> And if all that were not concerning enough, the Senate President’s press release states that the Senate “leadership will not be directly involved [in the audit], and members do not expect to comment on any of the processes of the audit until the report is issued.”<sup>9</sup> In other words, the Senate intends to give free reign to Cyber Ninjas, Inc. and will abdicate any responsibility or engagement in the audit process to ensure the security and confidentiality of the ballots and voting equipment or the integrity of the process. In addition to being dangerous and irresponsible, this abdication appears contrary to Judge Thomason’s assumption that the Senate will ensure any third parties will handle the subpoenaed materials appropriately.

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<sup>2</sup> Jeremy Duda (2021, February 05). Fann picks Trump-allied firm with history of false election statements to AUDIT Maricopa election. Retrieved April 01, 2021, from [http://www.tucson sentinel.com/local/report/020421\\_senate\\_audit\\_trump\\_firm/fann-picks-trump-allied-firm-with-history-false-election-statements-audit-maricopa-election/](http://www.tucson sentinel.com/local/report/020421_senate_audit_trump_firm/fann-picks-trump-allied-firm-with-history-false-election-statements-audit-maricopa-election/)

<sup>3</sup> Statement from Supervisor Gates on Arizona Senate Contempt Resolution. February 3<sup>rd</sup>, 2021. Available at <https://twitter.com/billgatesaz/status/1357102959042039809>.

<sup>4</sup> Arizona State Senate, Supra Note 1.

<sup>5</sup> Jeremy Duda, A. (2021, April 01). Arizona Senate hires a ‘stop The steal’ advocate to lead 2020 election audit. Retrieved April 01, 2021, from <https://www.azmirror.com/2021/03/31/arizona-senate-hires-a-stop-the-steal-advocate-to-lead-2020-election-audit/>

<sup>6</sup> Statement of Jovan Hutton Pulitzer. March 31, 2021. Available at <https://twitter.com/JovanHPulitzer/status/1377352654406443009>.

<sup>7</sup> Georgia Secretary of State Brad “FACT CHECK: GEORGIA SENATE MASQUERADES FAILED TREASURE HUNTER AS HACKER AND ELECTION SECURITY EXPERT.” Available at <https://sos.ga.gov/index.php/elections/fact-check-georgia-senate-masquerades-failed-treasure-hunter-as-hacker-and-election-security-expert>

<sup>8</sup> See *Statement of Work*. Available at <https://www.documentcloud.org/documents/20536503-cyber-ninjas-sow-executed-33121>.

<sup>9</sup> Arizona State Senate, “Arizona Senate hires auditor to review 2020 election in Maricopa County,” at 2, March 31, 2021. Available at <https://www.azsenaterepublicans.com/post/arizona-senate-hires-auditor-to-review-2020-election-in-maricopa-county>

As election officials, it's our duty to preserve and build the trust of our partners in elections: the voters. Even if some previously harbored hope that this audit would build voter confidence, it should be clear now that the Senate has chosen another path. They've prioritized conspiracy over confidence, partisanship over partnership. As such, this morning I asked Attorney General Brnovich's Office to advise me of any legal options the Secretary of State may have to protect the integrity of our system and our voters' confidence in it. But the County's options in this regard are undoubtedly clearer than my Office's. As you meet today, I ask that you carefully consider every option, and do what is necessary to protect our voters and our democracy.

Sincerely,

A handwritten signature in black ink, appearing to read 'KH', followed by a long horizontal flourish.

Katie Hobbs  
Arizona Secretary of State

cc:

Stephen Richer, Maricopa County Recorder  
[sricher@risc.maricopa.gov](mailto:sricher@risc.maricopa.gov)

Scott Jarrett, Director of Election Day and Emergency Voting,  
Maricopa County Elections Department  
[sjarrett@risc.maricopa.gov](mailto:sjarrett@risc.maricopa.gov)



**KATIE HOBBS**  
SECRETARY OF STATE

May 5, 2021

*Via Email*

Ken Bennett  
Senate Audit Liaison  
[info@arizonaaudit.com](mailto:info@arizonaaudit.com)  
[kjbennettaz@gmail.com](mailto:kjbennettaz@gmail.com)

Mr. Bennett,

I write today to express my ongoing concerns regarding the Senate's "audit" and to bring to your attention several specific concerns about activity that is occurring at the Coliseum. Had my Office been given prior access to "audit" procedures being used and to the current "audit" site, I may have been able to provide you with this information sooner. As you know, I originally wrote to President Fann on March 3<sup>rd</sup>, requesting observer access for my Office and outlining a number of minimum procedures necessary to protect ballots and election equipment.<sup>1</sup> This letter also offered to connect President Fann with experts in post-election audits. I received no response to the letter, and it appears that many of the recommended procedures were ignored.<sup>2</sup> My Office later discussed observer access with you, only to be denied. Despite the best efforts of the Senate and the Cyber Ninjas, litigation provided an opportunity for my Office to review the "audit" procedures and to send expert observers to the Coliseum. What we've found thus far has not been reassuring.

**Concerns based on disclosed procedures**

*1. The procedures are vague and insufficient to ensure accuracy and consistency*

In response to a court order, the Senate and Cyber Ninjas produced 199 pages of documents related to the "audit." Unfortunately, the majority of pages were logs detailing the equipment and ballots that Maricopa County transferred to the Senate. The remaining pages fail to provide a sufficient level of detail to maintain accuracy and consistency among those performing a hand count of ballots, or otherwise leave out crucial information entirely.

For example, the hand count procedures total only 18 pages. And the procedures offer no specifications on the standards that will be used in determining voter intent. Voters don't always mark their ballots cleanly or consistently. If a voter fills in two bubbles and circles one of the names,

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<sup>1</sup> Hobbs, Katie. (March 3, 2021). Letter to Karen Fann and Warren Petersen. Available at <https://www.documentcloud.org/documents/20499460-fann-letter-3-3-2021>

<sup>2</sup> Fifeild, Jen. (@JenAFifeild) Twitter. (April 23, 2021, 10:26 AM) ("I noticed the counters had blue pens. Supposed to only have red when you're around ballots since ballots can read black and blue ink.") available at <https://twitter.com/JenAFifeild/status/1385646177664724995>



how do you count that vote? When you have a counting operation of this scale, clear and consistent guidelines for determining voter intent and confirming those determinations in these circumstances is crucial. It's for this reason that my Office issued a detailed voter intent guidance document to all 15 Counties ahead of the 2020 election. Consistency is important, including consistency among the Counties. Elections workers employed by Counties received substantial training—including on the issue of voter intent—ahead of the election. Unfortunately, the only evidence of training for audit counters is a sparse Powerpoint presentation that offers little guidance beyond the procedures documents.

*2. The counting process incorporated the use of untested, uncertified systems*

The audit procedures describe a counting process whereby each ballot is scanned and an image of the ballot is displayed on a monitor above each counter's seat. During the days in which this method was used, prior to the screens being removed for uncertain reasons (and prior to my Office gaining access to the Coliseum), it appeared in the livestream that counters were conducting their count based the displayed images, as the carousel holding the paper ballots were being spun too fast to allow counters to confirm that the projected image matched the paper ballot.

While Arizona law requires that voting systems, including components that capture ballot images, must be tested by a federal Voting System Testing Laboratory (VSTL), including for accuracy, reliability, and security, and certified by the federal Election Assistance Commission (EAC) and my Office, the hardware and software supplied by Cyber Ninjas to capture and display the ballot images in this counting process are untested and uncertified. This fact raises serious concerns because it means the systems used have not been tested or certified to ensure, for example, that the system is not preloaded with inaccurate ballot images or that the system's software is not written to manipulate specific images of scanned ballots. Testing and certification by federal and state authorities is designed specifically to protect against such risks, including through a thorough source code review to ensure these risks cannot occur.

*3. The counting process departs from best practices for accurate hand tallying of ballots*

The hand counting process being used is a significant departure from standard best practices utilized by jurisdictions and experts across the country, including here in Arizona, and raise serious doubt about the accuracy and reliability of any result of this process. Indeed, the hand counting of ballots is already fraught with error, even in small quantities. The process being used in the Coliseum, to count over 2.1 million ballots in an absurdly unrealistic timeframe, only exacerbates the concerns.

The process being used involves creating at least three separate tallies for each batch of 100 ballots. Each of the three counters may have reached different totals due to counting multiple different ballots in different ways. The tally is accepted as long as at least two counters' totals match, and the third counter's totals are not off by 3 or more of 100 ballots. This acceptable error rate is significantly larger than the margin of victory in the presidential race. And although the aggregate totals of at least two tally sheets must match, there is no guarantee that the counters counted all 100 ballots the same way nor is there a reliable process for ensuring consistency and resolving discrepancies. For example, any discrepancy among the three counters could be resolved by a trained and experienced adjudication board tasked with the resolution of ballots with unclear marks. In fact, our observers witnessed much confusion around identifying the correct sub-batch of ballots that need recounting when the acceptable error rate is exceeded.

The failure to resolve any counting discrepancies on a ballot-by-ballot basis will result in some sort of estimate or range, at best, of the results, rather than a single final tally, making the lack of clear, accurate, and transparent aggregation procedures, discussed below, even more concerning.

*4. The procedures do not detail a clear process for aggregation*

Perhaps most concerning, almost no detail is offered regarding aggregation. Even if one were to assume that the rest of the procedures were adequate to ensure an accurate counting process, those procedures are meaningless without a secure and transparent aggregation process. When asked by my Office about the process that will be used to aggregate the tens of thousands of individual tally sheets that will be generated, we received no real explanation other than that an accounting firm will handle it later. This is not transparency. Further, it appears that a single person enters the totals from the tally sheets into an electronic spreadsheet, leaving wide open the opportunity for error, inadvertent or otherwise. At minimum, a bipartisan team of at least two individuals should aggregate the tally sheets or otherwise confirm that data is entered accurately for aggregation.

*5. The procedures fail to adequately protect and document chain of custody of ballots*

The audit procedures, including Counting Floor Procedures, raise many questions regarding the adequacy of chain of custody control over ballots. Several sections suggest that ballot batches may be separated from boxes<sup>3</sup> and individual ballots may be separated from their batches. If this is happening, it raises significant chain of custody concerns, and there's no indication of how these separated batches and ballots are being tracked and logged. Nor is there any indication of what process exists, if any, for returning separated ballots to their original batch.

*6. The "forensic audit" of ballots lacks any credibility or basis in actual election operations*

A number of items detailed in the Counting Floor Procedures appear better suited for chasing conspiracy theories than as a part of a professional audit. For example, using UV lights to search for watermarks,<sup>4</sup> measuring the thickness of ballots,<sup>5</sup> searching for folds in ballots,<sup>6</sup> and looking at ballots under a microscope<sup>7</sup> are completely unnecessary steps if the goal of the audit is to validate the election results. Though conspiracy theorists are undoubtedly cheering on these types of inspections—and perhaps providing financial support because of their use—they do little other than further marginalize the professionalism and intent of this "audit."

*7. There were no procedures for hiring qualified, unbiased counters*

As has been widely reported, former State Representative Anthony Kern has been among those hired to count ballots.<sup>8</sup> Mr. Kern's name is on the ballot, not only as a candidate for State Representative but as a Presidential Elector—the exact race for which he is counting. While these facts would be disqualifying in any professional recount or audit, unfortunately, there are additional reasons why Mr. Kern is not trustworthy to fulfill this role. He was a leader of the "Stop the Steal" movement in Arizona and was actually present at the attempted insurrection in Washington, DC on

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<sup>3</sup> Wake TSI "Floor Counting Policies" 13(1)(C) available at <https://www.cyberninjas.com/static/20210429155650/Wake-TSI-Counting-Floor-Policies.pdf>.

<sup>4</sup> Wake TSI "Floor Counting Policies" 12(5)(G).

<sup>5</sup> Wake TSI "Floor Counting Policies" 12(5)(B).

<sup>6</sup> Wake TSI "Floor Counting Policies" 12(5)(C-E).

<sup>7</sup> Wake TSI "Floor Counting Policies" 12(4).

<sup>8</sup> Randazzo, R. (2021, April 30). "Former Rep. Anthony Kern, a Stop the Steal backer, now counting your ballots." Available at <https://www.azcentral.com/story/news/politics/arizona/2021/04/30/anthony-kern-former-lawmaker-and-november-candidate-helps-recount-arizona-ballots/4895531001/>

January 6<sup>th</sup>.<sup>9</sup> Moreover, he is also on the Brady List on account of his dishonesty during his time as a code enforcement officer.<sup>10</sup>

Given what was known about Mr. Kern before this “audit,” and his inclusion regardless, one must wonder what procedures are truly being used to recruit and screen others involved in the counting of ballots. This is of particular concern as the operation attempts to quickly increase the size of its staff. Ordinarily, a true and reliable hand count would utilize bipartisan boards for this process to protect against human bias (such as that exhibited by Mr. Kern). Unfortunately, the procedures here do not require counting teams to be bipartisan.

### Concerns based on observation

The observers sent by my Office have frequently encountered issues when trying to access the “audit.” They’ve also encountered changing rules regarding what they are and are not allowed to bring with them. Perhaps more troubling, I have heard reports that the observers associated with the audit are now instructed not to speak with the SOS observers, and that counters are instructed to not to talk when an SOS observer is near their table. While the Senate’s hiring decisions have made clear its intention to exclude actual experts from this process, efforts to prevent my observers from accessing information are inexcusable. Notably, Ryan Macias, a national expert in election equipment, was denied access to the area where Maricopa County’s machines were being “audited,” despite reports that Doug Logan of Cyber Ninjas has personally escorted others to view the process. The following day, a large portion of those machines were returned to the County. Despite all of this, we’ve quickly been able to identify a number of problems inside the Coliseum.

#### *1. There is inadequate physical security of ballots*

In addition to the significant security lapses documented at the start of the “audit,”<sup>11</sup> it appears that boxes containing ballots were stored on the counting floor in fenced-off areas. This chain-link fencing, however, appears to be only about 8 feet tall, and there is no “ceiling” or top fencing to prevent an unauthorized person from climbing the exterior fencing to gain access to the ballots. The risk to the physical security of the ballots, and any remaining election equipment, is heightened now that the Crazy Times Carnival is operating alongside the Senate and Cyber Ninjas at the Coliseum, and you have stated ballots may remain stored at the Coliseum while various high school graduation ceremonies are conducted in the same facilities. I continue to urge you to take every available measure to ensure the security of the ballots and election equipment in your custody, especially given the prior security lapses and heightened security risks.

#### *2. There was no livestreaming or observer access to the forensic processing of Maricopa County’s election equipment.*

Though the “Modifications to Standard CyFIR Evidence Handling Procedures for AZ Audit” document, which was among the policies and procedures the court ordered Cyber Ninjas to make public, indicated that there would be “24/7 live video monitoring...on both the evidence storage area

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<sup>9</sup> Anglen, R. (2021, January 14). “Arizona lawmakers who pushed ‘stop The Steal’ face scrutiny for presence at U.S. Capitol riot.” Available at <https://www.azcentral.com/story/news/local/arizona-investigations/2021/01/14/arizona-lawmakers-pushed-stop-steal-rally-appeared-u-s-capitol-mark-fincham-anthony-kern/4147370001/>

<sup>10</sup> Roberts, L. (2019, March 08). “Rep. Anthony Kern secretly tried to change the law to get his name off a list of liars.” Available at <https://www.azcentral.com/story/opinion/op-ed/laurieroberts/2019/03/08/rep-anthony-kern-quietly-tried-change-law-get-off-list-liars/3104706002/>

<sup>11</sup> Loew, M. (2021, April 23). “Security lapses Plague Arizona senate’s election audit at State Fairgrounds.” Available at [https://www.azfamily.com/news/investigations/cbs\\_5\\_investigates/security-lapses-plague-arizona-senates-election-audit-at-state-fairgrounds/article\\_b499aee8-a3ed-11eb-8f94-bfc2918c6cc9.html](https://www.azfamily.com/news/investigations/cbs_5_investigates/security-lapses-plague-arizona-senates-election-audit-at-state-fairgrounds/article_b499aee8-a3ed-11eb-8f94-bfc2918c6cc9.html)



and the forensic imaging area,” which will be “live streamed to the internet for transparency,” there has been no live streaming of, and the observers were not permitted to observe in, any forensic imaging area or where the Maricopa County election equipment was otherwise handled. This is a violation of your own requirements and means that neither election officials, experts, nor the public had any transparency into how the election equipment was handled.

*3. Computers at “forensic analysis” tables were left on and unattended*

On multiple occasions, it has been noted that the computers used by the forensics teams have been left unlocked and unattended, sometimes with files still open. Failing to adequately secure these workstations when not in use could allow anyone on the floor to access them and alter dates, files, or programs. This is even more concerning given the open questions about hiring practices that have allowed those with clear political bias—and a desire to overturn the results of the 2020 election—to be present and participating on the floor. Even the most elementary security protocols and training would prevent this practice from occurring.

*4. There is risk of commingling counted and uncounted ballots in a batch, leading to some ballots being double-counted and others not being counted at all*

Table leads and table assistants appear to be applying different methods for keeping track of counted versus uncounted ballots in the stack of 100 ballots that is being counted. Some table leads and assistants are placing the stack of counted ballots right next to, and, in some cases, overlapping with, the stack of uncounted ballots, creating a significant risk of commingling the counted versus uncounted ballots and throwing off the count.

*5. The constantly changing rules cause confusion and counting errors, and undermine the reliability of the results*

There doesn’t appear to be any plan or consistency in the audit procedures and it appears the procedures have been changed multiple times since this exercise started. Your recent comments on the Mike Broomhead Show seem to confirm that procedures may change every day.<sup>12</sup> Indeed, those counting teams that have been working at the Coliseum the longest may be encountering the most confusion because they have counted under several different iterations of procedures.

*6. Frequent violations of the limited procedures that do exist, and a disregard for best practices or basic security*

“Audit” workers appear to be violating the procedures and there is an inexplicable disregard for best security practices. A partial list of incidents observed includes ballots left unattended on tables,<sup>13</sup> ballots being tallied using scrap paper rather than official tally sheets,<sup>14</sup> errors being corrected in the same color pen,<sup>15</sup> counters receiving training on the fly at counting tables,<sup>16</sup> table leads correcting the tally sheets of counters,<sup>17</sup> table assistants intermixing ballots from separate stacks,<sup>18</sup> forensics team computers left unlocked and unattended,<sup>19</sup> the use of cell phones on the counting

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<sup>12</sup> Bennett, Ken. The Mike Broomhead Show. (April 29, 2021). Available at <https://ktar.com/story/4364867/ken-bennett-expects-audit-of-maricopa-county-ballots-to-meet-deadline/>

<sup>13</sup> April 30, 2021.

<sup>14</sup> April 30, 2021.

<sup>15</sup> April 30, 2021.

<sup>16</sup> May 1, 2021.

<sup>17</sup> May 1, 2021.

<sup>18</sup> May 1, 2021.

<sup>19</sup> April 30; May 1, 2021.



floor,<sup>20</sup> tally sheets filled after a batch is completed,<sup>21</sup> counting teams conferring on how to attribute a vote,<sup>22</sup> table leads directing counting teams on how to attribute a vote,<sup>23</sup> and loss of ballot images due to software issues.<sup>24</sup>

\* \* \*

Mr. Bennett, as a former Secretary of State, you know that our elections are governed by a complex framework of laws and procedures designed to ensure accuracy, security, and transparency. You also must therefore know that the procedures governing this audit ensure none of those things. I'm not sure what compelled you to oversee this audit, but I'd like to assume you took this role with the best of intentions. It is those intentions I appeal to now: either do it right, or don't do it at all.

Sincerely,

A handwritten signature in black ink, appearing to be 'KH' followed by a long horizontal flourish.

Katie Hobbs  
Arizona Secretary of State

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<sup>20</sup> May 1, 2021.

<sup>21</sup> April 30, 2021.

<sup>22</sup> April 30; May 1, 2021.

<sup>23</sup> April 30, 2021.

<sup>24</sup> May 1, 2021.



**U.S. Department of Justice**  
Civil Rights Division

May 5, 2021

VIA EMAIL

The Honorable Karen Fann  
President, Arizona State Senate  
1700 West Washington Street, Room 205  
Phoenix, AZ 85007

Dear Senator Fann:

I write regarding issues arising under federal statutes enforced by the United States Department of Justice that are related to the audit required by the Arizona State Senate for the November 2020 federal general election in Maricopa County. News reports indicate that the Senate subpoenaed ballots, elections systems, and election materials from Maricopa County and required that they be turned over to private contractors, led by a firm known as Cyber Ninjas.

The Department has reviewed available information, including news reports and complaints regarding the procedures being used for this audit. The information of which we are aware raises concerns regarding at least two issues of potential non-compliance with federal laws enforced by the Department.

The first issue relates to a number of reports suggesting that the ballots, elections systems, and election materials that are the subject of the Maricopa County audit are no longer under the ultimate control of state and local elections officials, are not being adequately safeguarded by contractors at an insecure facility, and are at risk of being lost, stolen, altered, compromised or destroyed.<sup>1</sup> Federal law creates a duty to safeguard and preserve federal election records. The Department is charged with enforcement of provisions of the Civil Rights Act of 1960, 52 U.S.C. §§ 20701-20706. This statute requires state and local election officials to maintain, for twenty-two months after the conduct of an election for federal office, "all records and papers" relating to any "act requisite to voting in such election..." *Id.* at § 20701. The purpose of

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<sup>1</sup> See, e.g., [https://www.azfamily.com/news/investigations/cbs\\_5\\_investigates/security-lapses-plague-arizona-senates-election-audit-at-state-fairgrounds/article\\_b499aee8-a3ed-11eb-8f94-bfc2918c6cc9.html](https://www.azfamily.com/news/investigations/cbs_5_investigates/security-lapses-plague-arizona-senates-election-audit-at-state-fairgrounds/article_b499aee8-a3ed-11eb-8f94-bfc2918c6cc9.html); <https://www.azmirror.com/2021/04/23/experts-raise-concerns-about-processes-transparency-as-election-audit-begins/>; [https://tucson.com/news/local/arizona-senate-issues-subpoena-demanding-access-to-2-million-plus-ballots-cast/article\\_a426fc7b-60d8-5837-b244-17e5c2b2ddb4.html](https://tucson.com/news/local/arizona-senate-issues-subpoena-demanding-access-to-2-million-plus-ballots-cast/article_a426fc7b-60d8-5837-b244-17e5c2b2ddb4.html); <https://www.azmirror.com/2021/02/26/judge-sides-with-senate-says-maricopa-must-turn-over-election-materials-for-audit/>

U.S.C. § 10307(b). Past experience with similar investigative efforts around the country has raised concerns that they can be directed at minority voters, which potentially can implicate the anti-intimidation prohibitions of the Voting Rights Act. Such investigative efforts can have a significant intimidating effect on qualified voters that can deter them from seeking to vote in the future.

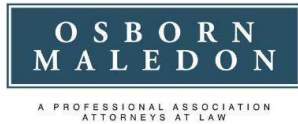
We would appreciate your response to the concerns described herein, including advising us of the steps that the Arizona Senate will take to ensure that violations of federal law do not occur.

Sincerely,



Pamela S. Karlan  
Principal Deputy Assistant Attorney General  
Civil Rights Division  
pamela.karlan@usdoj.gov

cc: Glenn McCormick, Acting United States Attorney for the District of Arizona  
Mark Brnovich, Arizona Attorney General  
Katie Hobbs, Arizona Secretary of State  
Stephen Richer, Maricopa County Recorder



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21st Floor  
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May 11, 2021

**VIA EMAIL**

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Re: Notice pursuant to Settlement in *ADP v. Fann*, No. CV2021-006646

Dear Kory, Thomas, Dennis, Jack, and Jordan:

As you may be aware, on May 5, 2021, Secretary of State Katie Hobbs sent a letter (the "Letter") to Senate Audit Liaison Ken Bennett detailing her concerns about the procedures and practices of the Senate's review of the November 2020 General Election in Maricopa County. On May 7, 2021, Mr. Bennett sent a response to the Secretary's letter. While Mr. Bennett was dismissive of the very many departures from standard election audit best practices that the Secretary highlighted—which, again, does not instill confidence in the integrity and reliability of this "audit,"—I write today to reiterate serious and ongoing concerns regarding the adequacy of procedures for ballot security and to raise additional ballot security issues that have since arisen. And so there is no doubt, this letter is intended to provide notice under the parties' Settlement in *ADP v. Fann* and demands immediate corrective action.

**Failure to have and disclose policies for storage of ballots after May 14.** The Secretary is deeply concerned about Defendants' plan to move the ballots and other election equipment from their current location in the Coliseum after May 14, without returning them to Maricopa County. The Defendants do not seem to have and, if they do, they have not disclosed any policies or procedures related to the secure moving or secure storage of ballots at some other, unknown

May 11, 2021

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location. If Defendants are going to retain the ballots and election equipment after May 14, they must move and retain them in a secure and documented manner, including using tamper-evident and numbered seals which Defendants do not appear to be using currently. Pursuant to sections 1(a) and 1(d) of the Settlement, please immediately provide any and all policies specifying how Defendants plan to do so. Please also notify us when and where the ballots and election equipment will be packed and moved so that the Secretary's observers may observe pursuant to section 1(h) of the Settlement.

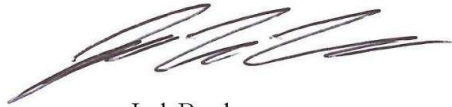
**Failure to have and abide by adequate security procedures for ballots.** In Section 1(d)(ii) of the Settlement, Defendants warranted that they will "have and abide by policies to ensure that ballots are secured in a manner that prevents unauthorized access, including maintain a detailed log of who accesses the ballots." The Secretary has identified the following breaches of this agreement:

- The Counting Floor Procedures produced by Cyber Ninjas, such as Wake TSI "Floor Counting Policies" § 13(1)(C), suggest that both ballot batches and individual ballots will be separated from their ballot boxes. Cyber Ninjas' procedures (e.g., Ex. D3) provide for Ballot Box Chain of Custody to be maintained but provide no information for logging access to ballot batches or individual ballots when they are separated from their box for some reason. (Letter at 3.)
- The Secretary's letter noted that ballots had been left unattended on tables during the counting process. (Letter at 5.) Mr. Bennett's letter did not address this issue. Please tell us what the Senate and its auditors will be doing to address this issue.
- The chain link fence surrounding ballot boxes is only 8 feet tall, and lacks a ceiling, meaning that an unauthorized person could climb over the wall and access the ballots. This concern is heightened by the fact that the Crazy Times Carnival was also operating in the Coliseum, and that some Defendants have suggested that ballots will remain stored there during high school graduation ceremonies. (Letter at 4.) While Mr. Bennett's letter was dismissive of this issue, the Secretary's concerns remain, particularly given the undisclosed plans for moving, storing, and securing the ballots after May 14, discussed above.
- The Counting Floor Policies document, at pages 3, 10, and 15, reference the use of numbered seals for ballot boxes, but the Secretary's observers have noted that they have not seen the use of numbered seals on ballot boxes, and, when one of the Secretary's observers asked Bryan Blehm last night whether ballot boxes would be resealed with tamper-evident or numbered seals, he indicated that they would not be.

May 11, 2021  
Page 3

Pursuant to the Settlement, we await your response in the next 48 hours.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Josh Bendor', with a stylized, flowing script.

Josh Bendor

cc: Roopali H Desai - [rdesai@cblawvers.com](mailto:rdesai@cblawvers.com)  
Andy Gaona - [agaona@cblawyers.com](mailto:agaona@cblawyers.com)  
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Jordan C. Wolff, Esq.



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---

Telephone: 602-606-2810 Facsimile: 602-606-2811

13 May 2021

**SENT VIA E-MAIL**

Katie Hobbs, Arizona Secretary of State  
c/o Josh Bendor, Legal Counsel  
2929 North Central Avenue, 21st Floor  
Phoenix, Arizona 85012  
[jbendor@omlaw.com](mailto:jbendor@omlaw.com)

***Re: Audit of 2020 General Election***

Dear Mr. Bendor:

We are in receipt of your May 11 letter, which is yet another manifestation of your client's unfortunate decision to treat the settlement agreement, and its protocols for good faith consultation, primarily as a vehicle for political posturing.

As we made clear before its execution, the settlement agreement requires Cyber Ninjas, Inc. ("**Cyber Ninjas**") to promulgate, disclose, and enforce policies designed to ensure ballot security; the agreement does not confer on your client (or anyone else) a veto power over the particular parameters and provisions of those policies. As stated in the May 7 letter from Secretary Bennett, Cyber Ninjas undisputedly maintains a chain of custody protocol for ballots, which was produced to you some time ago; your client's assertion that the documentation is insufficiently detailed is both incorrect and fails to delineate a violation of any settlement provision. Similarly, your client's preferred fence height specifications—an issue that was also addressed in the May 7 correspondence—are untethered from both the settlement agreement and any source of law.

We have been unable to corroborate your purported concerns about ballots being left "unattended" on counting tables. This is primarily because your letter fails to provide any actionable information; without even an approximate indication of the time and location of the so-called "unattended" ballots, we are unable to identify any instance in which ballots remained on counting tables without at least one audit team member physically present within the designated ballot tabulation area. And without more specific information, it is impossible to ascertain whether and to what extent any corrective action (e.g., remedial training or reassignment of audit personnel) is necessary. Further, the counting tables are under 24/7, live-streamed video surveillance, so any mischief associated with allegedly "unattended" ballots should be very well documented and remediable if necessary.

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Josh Bendor  
13 May 2021  
Page 2 of 2

With respect to the sealing of ballot boxes, the relevant provision of the Counting Floor Policies was premised on the assumption that Maricopa County would deliver the ballot batches secured by tamper-evident seals, which Senate auditors would re-apply after the completion of tabulation activities. In fact, it seems that neither the boxes nor the ballot bags they contain were consistently sealed by Maricopa County in the first instance. We do not interpret the policies you cited as requiring Cyber Ninjas to devise and apply a sealing regime to ballot boxes that had never been sealed in the first place.

As you noted, the audit will be briefly suspended later this month while the Veterans Memorial Coliseum hosts several graduation ceremonies. During this hiatus, ballots and tabulation equipment will remain on the State Fair Grounds and will be stored and secured pursuant to the policies and procedures attached hereto as Exhibit A.

Finally, we note that your most recent letter provides further evidence that, before the ink on the settlement agreement had dried, your client embarked on (and continues still) a campaign to undermine and destabilize it. Section 11 of the settlement agreement was intended to serve as a mechanism for constructive discussion, not partisan grandstanding, allegations unsupported by evidence, and the dictation of terms that your client and her co-plaintiffs were unable to secure through litigation. We therefore believe your letter is intended primarily to attract credulous coverage in the media, which is to say political rather than legal goals. Such conduct likely breaches the requirement of good faith consultation under Section 11 and the implied covenant of good faith and fair dealing, and any litigation ostensibly seeking to enforce the groundless demands set forth in your most recent letter may justify claims for abuse of process.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Jordan C. Wolff', with a stylized, cursive script.

Jordan C. Wolff, Esq.

JCW  
Exhibit A – Secured Transfer of Tabulation Machines

cc: Kory Langhofer, Esq  
Thomas Basile, Esq



# **EXHIBIT A**



## **General Rules/Requirements for Transfer and Storage of Election Ballots and Tabulation Machines**

### **Audit Chain of Custody Requirements**

All election ballots and tabulation machines will maintain in the constant Chain of Custody with the current Senate designees and Custodians of Records. For this reason, any movement of the secure trailers requires their notification and participation. During an emergency when said ballots and tabulation machines are under imminent threat, the secure trailers may be moved pursuant to the specific terms of this plan, but the Custodians of Records, Cyber Ninjas, and on-call videographers must be notified immediately.

### **Ballot and Equipment Designations**

There have been designations given to the Ballots and Ballot equipment that are required to be protected 24/7. The designations include the following:

1. Uncounted Ballots
2. Ballots in Process
3. Completed Ballots
4. Tabulation Machines

The process of packaging, loading, transporting, and unloading will consist of the following procedures:

### **Packaging and Loading**

1. Documented video and chain of custody evidence of packaging as required by the Senate and Maricopa County Elections Board will be maintained to ensure the custody of the ballots and tabulation machines remains consistent.
2. Designated ballots and tabulation machines to be packaged onto pallets accordingly.
3. Tabulation machines not palletized will remain on the carriers in which they were originally packaged/shipped by Maricopa County.
4. All pallets will be plastic shrink wrapped to ensure ballot boxes and/or tabulation machines do not fall or separate from their designated pallets.
5. Pallets and tabulation machines will be loaded into trucks by designated number in the following manner:
  - a. Each truck will be numbered and have a Ballot/Tabulation machine Manifest detailing the contents of said truck.
  - b. After loading the designated ballots and or tabulation machines onto each truck, the trucks rear cargo door will be closed, locked, and sealed with the seal designation being written on the Manifest.
6. A copy of the Manifest will be maintained in each secured trailer and the original will be maintained by the Custodian of Records.

### **Transportation of Ballots and Tabulation Machines from Coliseum to Building B**

1. Security and video escort of the ballots and tabulation machines from Coliseum to Building B across fairgrounds whilst a carnival is in progress.
2. After departing the east loading bays of the Coliseum traveling south, trucks and evidence trailers will enter the secure temporary storage area from the west entrance and place each secured evidence trailer in one row from south to north across the evidence storage area.
3. At no time during the transportation process will a secure trailer be opened nor have its seal broken unless there is a verified emergency, and the seal must be broken to protect the contents of the evidence trailer.

4. Emergency response to any threats that present itself during transportation.
5. Video recording of transportation processes for auditing, chain of custody, and evidence in the case of any criminal and/or civil proceedings.

#### **Housing of Ballots and Tabulation Machines at Secure Building B Location**

1. After the trailers are placed in Building B, they will be monitored by 24/7 video and security surveillance and on-site security personnel.
2. At no time during the storage process will a secure trailer be opened or have its seal broken unless in times of a verified emergency and unloading the evidence trailer is required to protect the evidence.

#### **Security Risk Management Building B Storage Facility/HSSE Facility Assessment**

The fairgrounds agricultural building (Building B) has been identified as the temporary facility and is located adjacent to McDowell Street and to the South of the current location and has being prepared by fairgrounds staff for use by the Audit. A facility HSSE assessment was completed on 05/09/2021 which included the following:

Workplace and Environment (Power/Utilities/Facility Amenities included)

Physical Security

Law Enforcement and Security Guard Operations

Parking Controls

Security Systems and access control

Internal Security and Controls

Employee Controls

Emergency HSSE Procedures

As a result of the assessment the following mitigation requirements are planned for and will be put in place prior to the move. The HSSE requirements for the building operations and the movement will be completed by 1500 hours on Thursday 5/13/2021.

#### **HSSE Requirements (Fire/Medical)**

All building fire equipment and suppression systems have been tested to State regulations and are current. Medical equipment on site includes AED and the audit will provide first aid kits to be used in emergencies by on site staff as required.

OSHA regulatory reporting requirements are documented and will be done as required.

#### **Security Sweep and K-9 Services**

The building will be security swept and cleared by both security personnel and K-9 units prior to permanent occupation of the building for the storage. Once completed, the building will be under 24/7 security control until the ballots, and equipment is transported back to the Coliseum at the planned time for count restarting.

#### **Perimeter Security**

The perimeter security controls will consist of the following:

1. Perimeter chain link fence which will be installed on Wednesday 5/12/2021 by National Fencing.
2. Guard Management. This will be done by contract with the Senate for LES Services to provide LEO's for 24/7 law enforcement guard services between the dates of the move and storage.
3. Physical locks and controls placed in key perimeter entrances to ensure security of entry into the building is restricted to authorized persons only.

## Secured Loading/Transfer/Storage of Tabulation Machines

The afternoon/evening of Thursday, 5/13/21 a 53' trailer (with lift gate) will be placed into the South Hall of the Coliseum to transport all tabulation machines to Building B at the Arizona State Fairgrounds. That equipment will be loaded for transport under the supervision of the Custodian of Record. Once the trailer is loaded, locked, & sealed, we will discontinue two of the four live camera feeds from the tabulation machine audit area and relocate those cameras to the new onsite storage facility. That sealed trailer will remain inside the Coliseum until the next morning with the two remaining cameras focused on it.

## Establishing Building B Live Feed

Friday morning, 5/14/21, we will activate the live cameras in the new onsite storage facility. Once the live feed has been confirmed, we will transfer the trailer containing the tabulation machines to that facility. All tabulation machines and/or ballots that are transferred from the coliseum to the new storage facility will have accompanying video of such transport to cover the gap in time between the two live camera feeds for each sealed trailer. When that trailer has been moved, and the immediate area no longer contains sensitive data and/or equipment, we will turn off the remaining live feed cameras in that area of the Coliseum.

## Secured Loading/Transfer/Storage of Ballots

### Pallet Moving & Storage Process

The ballots are currently stored in 4 separate ballot corrals.

**Corral A** - Full shrink-wrapped pallets that have not been opened and not been counted

**Corral B** - Completed boxes that have been counted and processed through paper examination

**Corral C** - The holding corral with boxes that have been counted but not processed through paper examination, boxes that have been partially counted and partially examined by PE

**Corral D** - Senate holding corral with ballots that potentially contain PII or duplicates

The ballot boxes will be palletized in their designated corrals and each box will be identified and recorded prior to being loaded on the pallet. Full pallets will be shrink wrapped and labeled with the pallet ID.

For each pallet, a complete manifest will be created. The manifest will include a list of all boxes on the pallet. For each box on the pallet, we will record the following information:

1. Pallet Number
2. Box ID
3. Origin Pallet
4. Ballot Type
5. Date on Box Label
6. Origin Corral (A, B, C, D)
7. Process Designation: Unopened, Completed, Senate, Counted NPE, Partial Count, Partial PE

Pallet Number:						
Total Boxes						
Packed By:						
Pallet #	Box ID	Origin Pallet	Ballot Type	Date	Origin Corral	Process Designation

**Corral A**- Full shrink-wrapped, uncounted pallets will be loaded first – 27 pallets  
**Corral D**- All boxes in the Senate holding corral will be consolidated onto 3 pallets  
**Corral B** – All boxes in the completed corral will be consolidated onto 8 pallets.  
**Corral C** – All boxes in the holding corral will be consolidated onto 10 pallets. Pallets will be designated as counted but not processed through paper examination, partially counted, partial PE.

The pallets will be loaded onto the trucks by corral in the following order: **A, B, C, D**

## **Schedule of Secured Transfer/Storage of Ballots and Tabulation Machines**

### **Building B (Moving to)**

**Wed. May 12<sup>th</sup>**, 1200 hrs. - Install Security Fencing

**Thur. May 13<sup>th</sup>**, 0700 hrs. – Security Personnel Assigned 24/7 until Sun. May 23<sup>rd</sup> 1900 hrs.

0730 hrs. – Security Sweep Conducted

TBD – Installation of Cameras

Building Security Established 1600 hrs.

### **Coliseum (Moving from)**

**Thur. May 13<sup>th</sup>**, 2000 hrs. – Audit Paused

Security Personnel remain 24/7 through May 14<sup>th</sup> at 1900 hrs. when all audit property has been securely moved to Bldg B.

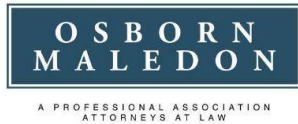
2000 hrs. – Load Manifested Tabulation Machines into 53' Dry Van inside of coliseum. Trailer is Locked and Sealed inside of Coliseum until moved.

**Fri. May 14<sup>th</sup>**, 0700 hrs. – Sealed and Locked Trailer containing tabulation machines are transported under armed escort and video surveillance to Building B where it will be parked inside in same locked and sealed condition until its return to the Coliseum by May, 23<sup>rd</sup>.

0800 – 1200 hrs. Inventoried Ballots by processing Category will be loaded onto Dry Vans inside of the coliseum by Pallet. Each Dry Van when Loaded will be Locked, Sealed and moved under armed escort and video surveillance to Building B where they will remain locked and sealed until their scheduled return to the coliseum May 23<sup>rd</sup>.

Locks to the Building and Trailers will be maintained at all times by the Designated Custodian(s) of the property (ballots and tabulation machines) and a record maintained of any and all access.

Any Access requested during the occupancy of Building B during the Storage not previously authorized will require pre-approval by the custodial owners and controlled by onsite security.



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May 17, 2021

**VIA EMAIL**

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Re: Response to your letter dated May 13, 2021

Dear Jordan:

On May 11, I sent you a straightforward letter raising several serious concerns regarding the security of ballots and election equipment in Cyber Ninjas' custody. When I read your response dated May 13, I was disappointed to see that it contained a fair amount of unnecessary and unfounded rhetoric about the Secretary's supposed motives in raising these issues. I will mostly not engage with this unnecessary rhetoric and I urge you to omit it from future communications. From our side, it is enough to say that the Secretary entered into the Settlement in a good faith effort to safeguard the rights of voters and the security of elections in Arizona; has since worked in good faith to ensure that these important interests remain protected; and will continue to do so.

Your letter also indicated possible disagreement about the meaning of the Settlement. Of course, the Settlement does not authorize the Secretary to tell Cyber Ninjas exactly how to run its audit. But the Settlement does require Cyber Ninjas to "have and abide by policies to ensure" the security of voting systems, ballots, and voter information. This requires Cyber Ninjas to have the necessary policies and to adequately implement those policies. While it is impossible for the Secretary to monitor every aspect of Cyber Ninjas' operations, the Secretary has worked to shed light on significant issues that arise and will continue to do so.

With that in mind the Secretary raises the following issues.

**Previously identified failures to have and abide by adequate security procedures for ballots.** In your response to my prior letter, you were dismissive of concerns the Secretary raised regarding Cyber Ninjas' failure to have or abide by adequate security procedures. Several of these points merit further discussion.

- In my previous letter, I noted that the Counting Floor Policies document, at pages 3, 10, and 15, reference the use of numbered seals for ballot boxes, but the Secretary's observers have not seen Cyber Ninjas or its subcontractors use numbered seals on ballot

boxes. Your response appeared to confirm that Cyber Ninjas and its subcontractors were not following their own policies, purportedly because the “neither the boxes nor the ballot bags were consistently sealed by Maricopa County in the first instance,” and Cyber Ninjas assumed that “Maricopa County would deliver the ballot batches secured by tamper-evident seals, which Senator auditors would re-apply after the completion of tabulation activities.” But regardless of Maricopa County’s practices, to which your policies make no reference, Cyber Ninjas has an independent duty to secure the ballots in its custody, which requires it to create and implement appropriate policies. Moreover, it would not make sense for Cyber Ninjas to re-apply Maricopa County’s seals. A tamper-evident seal cannot be reapplied after it is removed. That would defeat the point.

Particularly because ballots are being stored in a public venue that lack the security measures built into county facilities, it is imperative that Cyber Ninjas and its subcontractors use tamper-evident seals on ballot boxes during storage, as indicated in its current policies.

- Your letter was dismissive of Cyber Ninjas’ inadequate chain of custody documentation, claiming that Cyber Ninjas maintains and has disclosed a chain of custody protocol for ballots. In fact, as the Secretary and I explained in our previous letters, while Cyber Ninjas has disclosed a chain of custody protocol for ballot *boxes*, it has not disclosed a chain of custody protocol for *individual ballots*, despite the fact that its procedures (e.g., Wake TSI’s Floor Counting Policies § 13(1)(C)) suggest that individual ballots will be separated from their boxes in certain circumstances. If Cyber Ninjas and its contractors intend to separate ballots from their ballot boxes when counting resumes, they must ensure proper tracking and documentation of chain of custody in such situations.

**Ongoing use of wireless router.** As you probably know, on May 11, 2021, the Secretary’s observers discovered that Cyber Ninjas had connected a wireless router to their servers at the Coliseum. The Secretary’s observers have reported that the router remained in place throughout the time that the “audit” was being conducted last week. A Twitter account associated with the Audit claimed that “[n]o wireless was ever enabled.” This does not allay concerns as wireless routers provide an entry point for cybercriminals and should not be connected to any device that has access to voting systems, electronic data from or images of ballots, or voter registration data. Cyber Ninjas has identified no legitimate purpose for the router. It is imperative that no router be connected when Cyber Ninjas resumes its work.

**Inadequate control over data entry to protect electronic data from ballots.** On May 13, 2021, the Secretary’s observers observed a data entry worker at the audit who was having trouble with his spreadsheet and closed it. When he tried to reopen it, it opened in “Read Only” mode because someone else on the network had the file opened. This indicates that anyone on the network can log in and make edits to the spreadsheets that feed the aggregation files. We bring this to your attention because this lack of control over key data raises serious concerns regarding the accuracy and reliability of Cyber Ninjas’ count.



**Storage Policies for Ballots After May 14.** Thank you for disclosing your storage policies. We have reviewed them and note that both ballots and voting equipment should be stored in temperature and humidity-controlled rooms. Ballots will have natural degradation when heat and temperature changes, and computerized voting equipment are at significant risk if they are not maintained at the correct temperature and humidity. Indeed, Cyber Ninjas has already been having heating issues with computers at the Coliseum.

We also have concerns with how ballots are being physically secured in practice. While observing the locking and securing of ballots and equipment Friday night, one of the Secretary's observers saw a dispute play out over who could unlock a trailer, Doug Logan or Ken Bennett. During the confusion, a truck driver came up and unlocked the trailer in question, disturbing both the Secretary's observer and an Arizona Ranger who was present. The truck driver later explained that it was not his lock, but the camera crew's lock (rather than Cyber Ninja's or the Senate's), and freely offered the combination of the truck's lock. This caused the Arizona Ranger to go to the Coliseum and get another box of locks, one of which he put on the truck. Cyber Ninjas' personnel tried to justify this by claiming the trailer was not evidentiary, but this was plainly not true—it held the servers and the computers used to aggregate ballot-derived data. The Arizona Ranger also ensured that one truck was properly sealed, and ensured that Ken Bennett would have the key for the lock he put on. These observations do not instill confidence that all the trailers containing ballots and equipment are properly sealed and locked, that Senate Liaison Ken Bennett is the sole person who can access them, or that lock combinations are not known to non-security personnel such as truck drivers.

Thank you for your prompt attention to these matters.

Sincerely,



Josh Bendor

cc: Kory Langhofer - [kory@statecraftlaw.com](mailto:kory@statecraftlaw.com)  
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**KATIE HOBBS**  
SECRETARY OF STATE

May 20, 2021

VIA EMAIL ONLY

Maricopa County Board of Supervisors  
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**RE: SUBPOENAED ELECTION EQUIPMENT**

Dear Supervisors,

I am writing to express my concerns about Maricopa County's election equipment that was turned over to Senate President Karen Fann and Senator Warren Petersen and their agent, Cyber Ninjas, pursuant to the January 12, 2021 subpoena, including components of the certified Dominion Democracy Suite 5.5B voting system. I understand Cyber Ninjas has begun returning the election equipment to the County. I have grave concerns regarding the security and integrity of these machines, given that the chain of custody, a critical security tenet, has been compromised and election officials do not know what was done to the machines while under Cyber Ninjas' control.

Indeed, such loss of custody constitutes a cyber incident to critical infrastructure—an event that could jeopardize the confidentiality, integrity, or availability of digital information or information systems.<sup>1</sup> Therefore, my Office consulted with election technology and security experts, including at the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency, regarding the appropriate next steps, and each unanimously

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<sup>1</sup> See Dep't of Homeland Security, Cyber Incident Reporting, *available at* <https://www.dhs.gov/sites/default/files/publications/Cyber%20Incident%20Reporting%20United%20Message.pdf>.

advised that once election officials lose custody and control over voting systems and components, those devices should not be reused in future elections. Rather, decommissioning and replacing those devices is the safest option as no methods exist to adequately ensure those machines are safe to use in future elections. As such, my Office is urging the County not to re-deploy any of the subpoenaed machines that it turned over to the Senate in any future elections. Instead, the County should acquire new machines to ensure secure and accurate elections in Maricopa County going forward.

A fundamental requirement to ensure the security and integrity of election equipment includes maintaining strict access limitations and a clear chain of custody to prevent both intentional and inadvertent tampering. Arizona's election procedures enumerate detailed requirements to protect voting equipment from these threats.<sup>2</sup> Federal election standards also set best practices, which require voting equipment to remain securely stored in facilities that prevent unauthorized access.<sup>3</sup> As you know, the Maricopa County Elections Department upholds strict chain of custody procedures for its voting equipment by securing equipment in limited-access facilities, logging access to the equipment, and air-gapping equipment at all times.

However, once the subpoenaed machines were turned over to the Senate and Cyber Ninjas, it is unclear what, if any, procedures were in place or followed to ensure physical security and proper chain of custody. Indeed, our expert observers, as well as multiple news reports, have noted troubling security lapses. And Cyber Ninjas has failed to provide full transparency into what they did with the equipment. No election official or expert observer designated by my Office was allowed to remain with the equipment for the duration of the Cyber Ninjas' processing and handling of the equipment, nor did Cyber Ninjas provide a continuous, clearly visible livestream of the area where voting equipment was stored and handled. The lack of physical security and transparency means we cannot be certain who accessed the voting equipment and what might have been done to them.

Unfortunately, after a loss of physical custody and control, no comprehensive methods exist to fully rehabilitate the compromised equipment or provide adequate assurance that they remain safe to use. While the machines could be put through an intensive and costly forensic examination by an accredited, national forensics laboratory, even after such forensic examination, machines are generally not recommissioned given that the forensic analysis cannot be guaranteed to locate all potential problems.

Considering the potential impact of decommissioning the subpoenaed equipment, including on taxpayer dollars and County operations, my Office did not reach this decision lightly. However, given the circumstances and ongoing concerns regarding the handling and security of the equipment, I believe the County can agree that this is the only path forward to ensure secure and accurate elections in Maricopa County in the future.

To be clear, this letter pertains only to the specific pieces of subpoenaed election equipment that the county turned over to the Senate and its contractors, and not to the underlying

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<sup>2</sup> Elections Procedures Manual, Chapter 4, Section III, at pages 95 - 98.

<sup>3</sup> See, e.g., U.S. Election Assistance Commission, Election Management Guidelines, Chap. 3, available at [https://www.eac.gov/sites/default/files/eac\\_assets/1/6/260.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/6/260.pdf).

4. Security seals will be placed on all doors prior to building use and will be checked regularly for breaches for further action as required. These will remain in place and updated accordingly as the storage requirements change.
5. Perimeter lighting is sufficient for the nighttime hours and will be supplemented in the event of damage or outage where lighting and visibility is reduced.

#### **Access Control**

All access into the building will be by a single entrance located on the west side of the building. Garage doors will be utilized as movement requires and then secured when all equipment is in situ on site. Access controls will include credentials and physical logs where required to ensure records are kept and available for audit security and reviewing purposes.

Only authorized audit staff and emergency services will be allowed access into the building for the duration of the movement and storage.

#### **Internal Security Controls**

During the period of storage, 24/7 law enforcement services will be on site on the exterior and interior providing guard and emergency services. They will have post orders and be controlled by WAKE TSI, HSSE, and Senate requirements.

In the event of a building breach, or if unauthorized access is gained into the building, law enforcement will carry out sworn police officer duties they have under Arizona State and Federal laws to ensure the protection and safe custody of the ballots and tabulation machines.

Phoenix PD and DPS station locations are within 5 minutes of the fairgrounds for response in the event onsite law enforcement staff require immediate support.

#### **Live Streaming and CCTV**

Audit IT and associated services are establishing a live video feed which will be operating inside the venue 24/7 for the duration of the storage. This feed will be recorded and live streamed off site and controlled by audit IT services.

#### **Operational and Information Security Policies**

All information and documents relating to the movement is considered confidential and not for public information and should be treated as such. No documents should be made available to the public or unauthorized personnel. This is to ensure that the information does not end up in the public arena and therefore compromise the movement or storage of the ballots and tabulation machines which may occur due to the current threat environment.

#### **Guard Force Management**

For the duration of the storage of ballots and tabulation machines, the building is considered as private property and not public space so any transgression of the fenced and marked perimeter outside the building is considered as criminal trespass and will be dealt with by law enforcement on site as appropriate.

Scheduling will be maintained by LES and the audit HSSE team to ensure 24/7 coverage is maintained during the term of the storage. In the event a change in the schedule occurs, contingency will be made to accommodate supplemental services with LES.

#### **Rules of Engagement**

Any breaches of criminal law will be dealt with by law enforcement on site in accordance with their statutory powers of arrest under Arizona State Law.

Dominion voting system, which remains certified for use in Arizona, nor any other election equipment that the County did not turn over to the Senate and its contractors.

If the County intends to re-deploy the subpoenaed equipment, over which the County lost custody and control, for use in future Arizona elections, please notify my Office as soon as possible, and no later than July 1, 2021, so that we may properly consider decertification proceedings pursuant to A.R.S. § 16-442 as to the subpoenaed equipment.

Thank you for your prompt attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'KH' followed by a long horizontal stroke.

Katie Hobbs  
Arizona Secretary of State

cc:

Stephen Richer, Maricopa County Recorder  
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